

SENATE BILL 3928

By McNally

AN ACT to amend Chapter 566 of the Private Acts of 1949; as amended by Chapter 63 of the Private Acts of 1963; Chapter 251 of the Private Acts of 1970; Chapter 104 of the Private Acts of 1979; Chapter 128 of the Private Acts of 1983 and Chapter 26 of the Private Acts of 2001; and any other acts amendatory thereto, relative to the charter of the city of Norris.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 566 of the Private Acts of 1949; as amended by Chapter 63 of the Private Acts of 1963; Chapter 251 of the Private Acts of 1970; Chapter 104 of the Private Acts of 1979; Chapter 128 of the Private Acts of 1983 and Chapter 26 of the Private Acts of 2001; and any other acts amendatory thereto, relative to the charter of the city of Norris, is amended by deleting such chapters in their entirety and by substituting instead Section 2 of this act as a new charter of the city of Norris.

SECTION 2.

CHARTER FOR THE CITY OF NORRIS, TENNESSEE

ARTICLE I - CORPORATE NAME AND BOUNDARIES

Section 1. Corporate Name and Continuity. That all of that portion of land lying and being situated in the County of Anderson, State of Tennessee, known as the "City of Norris," and the inhabitants residing within the corporate limits and boundaries hereinafter described, shall be and shall continue a body politic and corporate by the name of City of Norris, and as such shall have perpetual succession, may have a corporate seal and sue and be sued.

Section 2. Corporate Limits. The corporate limits of the City of Norris shall be those fixed, defined, and established by Article I Section 2 of Chapter 566 of the Acts of 1949, and all acts amendatory thereto, and all annexations made pursuant to general law and all boundaries now existing.

ARTICLE II - ELECTIONS

Section 1. Council Elections and Terms. The city council shall consist of five (5) council members elected at large at the general November election in even numbered years. Terms of office are two (2) years. Council members shall take office at the beginning of the first regularly scheduled meeting following certification of election results. Members shall hold office until their successors are elected and qualified.

Section 2. Tie Votes. Pursuant to Tennessee Code Annotated, Section 2-8-111(2), in the event of a tie among the council member candidates, the tie shall be decided by a vote of the members of the certified newly elected council members at the first regularly scheduled meeting following the election, or in the alternative, the city council may by resolution call for a run-off election between the tied candidates.

Section 3. Voting Wards. The city council may by ordinance establish voting wards.

Section 4. Voter Qualifications. All United States citizens of voting age who are residents of the City of Norris and who are registered voters are entitled to vote in municipal elections.

Section 5. Informalities in Elections. No informalities in conducting any election held under this charter shall invalidate it if such election is conducted fairly and in substantial conformity with the requirements of this charter.

ARTICLE III – CITY COUNCIL

Section 1. Council Member Eligibility. No person is eligible to the office of council member unless such person is a qualified voter and has been a resident of the city for a period of one (1) year immediately prior to the date of such person's election.

Section 2. Mayor. The mayor shall be a council member who is elected for a term of two (2) years by a majority of the council. The mayor shall be elected at the first regularly scheduled meeting of the city council after an election is certified.

The mayor shall preside at all meetings of the city council. On all questions coming before the council the mayor has a seat, a voice and a vote, but the mayor shall not have veto authority.

All legal processes against the city shall be served upon the mayor, and it is the mayor's duty to file promptly with the city recorder written notice of the such legal processes, stating the style of the cause and from what court it was issued. The city recorder shall present the legal processes to the next regular meeting of the council.

The mayor has the power, and it is hereby made the mayor's duty, to perform all acts that may be required of the mayor by any ordinance duly enacted by the city council not in conflict with any of the provisions of this charter.

Section 3. Vice Mayor. The city council at its first regular meeting after its election shall elect a vice mayor. The vice mayor shall assume the duties of the mayor during a temporary absence of the mayor.

Section 4. Mayor Pro Tem. In the absence, or during sickness, of the mayor and vice mayor, the city council shall elect one (1) of its members to preside and to perform the duties of mayor, and such council member shall be vested with the powers of the mayor during the period of absence of the mayor and vice mayor.

Section 5. Vacancies. If, while in office, a council member moves outside of the city limits, dies, resigns, is ousted, or ceases to be a qualified voter, the office shall become vacant. To fill a vacancy in the office of a council member, the remaining council members shall appoint a replacement to serve until the next regular election or until a successor is elected and qualified. To fill a vacancy in the position of mayor, the

council members shall elect one (1) of their members to that office to serve until the next regular election or until a successor is elected and qualified.

Section 6. Oath of Office. Every council member shall, before entering upon their duties, take and subscribe and file with the city recorder an oath or affirmation that such council member has all the qualifications named in this charter for the office or employment the council member is about to assume, that the council member will support the Constitution of the United States and of this state, and the charter and ordinances of the city, and that such council member will faithfully discharge the duties of the office or employment.

Section 7. Salaries. The compensation of the mayor and council shall be established in the ordinance adopting the annual budget. The compensation of the mayor and council cannot be increased or decreased during their terms of office.

Section 8. No Additional Compensation. No city official whose salary has been fixed by the city council shall receive, accept or be paid, either directly or indirectly, or vote to themselves or to associates out of the city treasury any compensation in addition to the compensation provided for the position at the time of such person's election, except for approved reimbursements.

Section 9. Conflict of Interest. The city acknowledges and abides by conflict of interest provisions established in Tennessee Code Annotated, Sections 6-54-107 and 6-54-108; and Tennessee Code Annotated, Title 12, Chapter 4, Part 1.

Section 10. Ouster. The city acknowledges and abides by the ouster provisions established in Tennessee Code Annotated, Title 8, Chapter 47.

ARTICLE IV - CORPORATE POWERS

Section 1. City of Norris Shall Have Power To:

(1) Assess, levy, and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law for state, county, or city purposes.

(2) Adopt classifications of the subjects and objects of taxation as may not be contrary to law.

(3) Make special assessments for local improvements.

(4) Contract and be contracted with.

(5) Incur debts by borrowing money or otherwise, and to give any appropriate evidence thereof, in the manner hereinafter provided.

(6) Issue and give, sell, pledge or in any manner dispose of, negotiable or nonnegotiable interest-bearing or noninterest bearing bonds, warrants, promissory notes or orders of the city, upon the credit of the city or solely upon the credit of specific property owned by the city or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the city, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits.

(7) Spend the money of the city for all lawful purposes.

(8) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge, or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the city or state.

(9) Condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the city, for present or future public use; such condemnation to be made and effected in accordance with the terms and provisions of Tennessee Code Annotated, Title 29, Chapters 16 and 17, or in such other manner as may be provided by general law.

(10) Take and hold property within or without the city or state upon trust; and to administer trusts for the public benefit.

(11) Acquire, construct, own, operate, and maintain, or sell, lease, mortgage, pledge, or otherwise dispose of public utilities or any estate or interest therein, or any other utility that is of service to the city, its inhabitants, or any part thereof, and further may issue debt for these purposes under the Local Government Public Obligations Act, compiled in Tennessee Code Annotated, Title 9, Chapter 21.

(12) Grant to any person, firm, association, or municipality, franchises for public utilities and public services to be furnished the City and those therein. The power

to grant franchises embraces the power to grant exclusive franchises. When an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation but also as against the city itself. Franchises may be granted for a period of twenty-five (25) years or less, but not longer. The city council may prescribe, in each grant of a franchise, the rates, fares, charges, and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the city at the date of the franchises, and as the corporate limits may be enlarged, and to the existing streets, alleys and thoroughfares that may be opened after the grant of the franchise.

(13) Make contracts with any person, firm, association or corporation, for public utilities and public services to be furnished the city and those therein. The power to make contracts embraces the power, expressly conferred, to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive against any other person, firm, association, or corporation. Contracts may be entered into for the period of twenty-five (25) years or less, but not longer. The city council may prescribe in each such contract entered into the rates, fares, charges, and regulations that may be made by the person, firm, association, or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the city at the date of the contract, and as said corporate limits may be enlarged; and to then existing streets, alleys and thoroughfares and to any other streets, alleys and other thoroughfares and to any other streets, alleys and other thoroughfares that may be opened after the grant of the contract.

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities and compel reasonable extensions of facilities for these services, and assess fees for the use of or impact on these services. Nothing in this subdivision (14) shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise

granted or of any exclusive contract entered into under subdivisions 12 and 13 of this section.

(15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle, and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers, and drains within or without the corporate limits, to regulate their use within the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefore under the provisions of Tennessee Code Annotated, Sections 7-31-107 through 7-31-111 and Tennessee Code Annotated, Section 29-16-114, or in any other manner provided by general law.

(16) Construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining, or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and assess a portion of the cost of these improvements on the property abutting on or adjacent to these streets, highways, or alleys as provided by Tennessee Code Annotated, Section Title 7, Chapters 32 and 33.

(17) Assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice, and earth, cutting and removing obnoxious weeds and rubbish; street lighting, street sweeping, street sprinkling, street flushing, and street oiling; the cleaning and rendering sanitary, or removing, abolishing, and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the city council.

(18) Acquire, purchase, provide for, construct, regulate, and maintain and do all things relating to all market places, public buildings, bridges, sewers and other structures, works and improvements.

(19) Collect and dispose of drainage, sewage, ashes, garbage, refuse, or other waste, or to license and regulate their collection and disposal, and the cost of

collection regulation or disposal may be funded by taxation, special assessment to the property owner, user fees or other charges.

(20) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession, or trade not prohibited by law.

(21) Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege or calling not prohibited by law.

(22) Define, prohibit, abate, suppress, prevent, and regulate all acts, practices, conduct, businesses, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience, or welfare of the inhabitants of the city, and exercise general police powers.

(23) Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained.

(24) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures, and inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent their use and require any alteration or changes necessary to make them healthful, clean, or safe.

(25) Provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences, and services.

(26) Enforce any ordinance, rule, or regulation, by fines, forfeitures, penalties, and by other actions or proceedings in any court of competent jurisdiction, and provide by ordinance for court costs.

(27) Establish schools, determine the necessary boards, officers, and teachers required therefore, and fix their compensation, purchase or otherwise acquire land or assess a fee for use of, or impact upon, schoolhouses, play grounds and other purposes

connected with the schools; purchase or erect all necessary buildings and do all other acts necessary to establish, maintain, and operate a complete educational system within the city.

(28) Regulate, tax, license or suppress the keeping or going at large of animals within the city; impound them and in default of redemption, sell or kill them.

(29) Call elections as provided in this charter.

(30) Create a design review commission, which shall have the authority to develop general guidelines and to develop procedures for the approval of the guidelines for the exterior appearance of all nonresidential property, multiple family residential property, and any entrance to nonresidential developments within the municipality; provided, that the authority is subordinate to and in no way exceeds the authority delegated to a municipal planning commission pursuant to Tennessee Code Annotated, Title 13, Chapter 4. Any property owner affected by the guidelines may appeal a decision by the design review commission to the municipality's planning commission or, if there is no planning commission, to the entire municipal legislative body.

(31) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate as fully and completely as though said powers were specifically enumerated.

Section 2. Enumeration of Powers. The enumeration of particular powers in this charter is not exclusive of others, nor restrictive of general words or phrases granting powers, nor shall a grant or failure to grant power in this article impair a power granted in any other part of this charter, and whether powers, objects, or purposes are expressed, conjunctively or disjunctively they shall be construed so as to permit the city to exercise freely any one (1) or more such powers as to any one (1) or more such objects for any one (1) or more such purposes.

ARTICLE V - LEGISLATIVE POWERS

Section 1. Ordinances Power Vested in Council. The legislative and all other powers except as otherwise provided by this charter are delegated to and vested in the city council; and the mayor and city council may by ordinance not inconsistent with this

charter prescribe the manner in which any powers of the city shall be exercised, provide all means necessary or proper therefore, and do all things needful within or without the city or state to protect the rights of the city.

Section 2. Council Meetings. The city council shall hold a regular meeting on the second Monday of each and every month, or at such times as the city council shall set by ordinance. Special meetings may be called by the mayor when, in the mayor's opinion, the welfare of the city requires it, or may be called upon the written request to the city manager of three members of the council. In either event, written notice shall be served on each member; provided, this shall not apply to members absent from the city, stating the purpose for which the meeting is called and no other business shall be considered other than that for which the call is made. All sessions of the council shall be public and subject to change of plan in case of an emergency, except when permitted by law.

Section 3. Quorum. Three (3) members of the city council constitute a quorum.

Section 4. Rules of Procedure. The city council may determine the rules of its proceedings, subject to this charter.

The city council's presiding officer or the chair of any committee may administer oaths to witnesses.

The city council shall keep a journal of its proceedings, and the yeas and nays on all questions shall be entered thereon.

Section 5. Ordinances. The style of ordinances of the city of Norris shall begin: "Be it ordained by the city council of the city of Norris as follows". A full and complete record of the proceedings of the city council shall be kept by the city recorder. The city recorder shall keep a separate book called the "Ordinance Book," in which shall be recorded all general ordinances passed by the council. No ordinance shall become law until it or its caption shall have been read and passed in two (2) different days in open session before its adoption, and not less than one (1) week shall elapse between first and second readings, and any ordinances not so read are null and void.

An ordinance shall not take effect until fifteen (15) days after the first passage thereof, except in case of an emergency ordinance. An emergency ordinance may become effective upon the day of its final passage, provided it contains the statement that an emergency exists and specifies with distinctness the facts and reasons constituting such an emergency.

The unanimous vote of all members of the council present is required to pass an emergency ordinance.

No ordinance making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its services by any public utility shall ever be passed as an emergency ordinance. No ordinance shall be amended except by a new ordinance.

Section 6. Penal Ordinance Published. Each ordinance of a penal nature, or the caption of each ordinance of a penal nature, shall be published after its final passage in a newspaper of general circulation in the city. No such ordinance shall take effect until the ordinance, or its caption, is published, except as otherwise provided in Tennessee Code Annotated, Title 6, Chapter 54, Part 5.

Section 7. Exercise of Council's Powers. The city council shall exercise its powers in session duly assembled, and no member or group of members thereof shall exercise or attempt to exercise the powers conferred upon the council except through proceedings adopted at some regular or special session.

Section 8. Council Provides for Employees; Budget. The city council shall provide for all such officers, agents, and employees as may be necessary to execute the laws and to direct and carry out intent of this charter, and may consolidate any of said offices. The city council shall annually at the beginning of the year accept estimates of the amount to be expended by each department of the city government for the ensuing year. Expenditures shall not exceed the amounts fixed by said estimate except in extraordinary cases.

Section 9. Surety Bonds. The city manager and every officer, agent, and employee having duties embracing the receipt, disbursement, custody, or handling of

money shall, before entering upon their duties, execute a fidelity bond with a surety company authorized to do business in the state of Tennessee, as surety (except that bonds for five hundred dollars (\$500) or less may be given with personal surety), in such amount as shall be prescribed by ordinance of the city council, except where the amount is prescribed in this charter. All such bonds and sureties thereto shall be subject to the approval of the city council. The cost of making said bonds is to be paid by the city.

Section 10. Additional Bonds. If, at any time, it appears to the mayor, or city manager, that the surety or sureties on any official bond are insufficient, the officer or employee shall be required to give additional bond, and if such officer or employee fails to give additional bond within twenty (20) days after being notified, the office shall be vacant.

ARTICLE VI - EXECUTIVE DEPARTMENT

Section 1. City Manager Powers. The city council may appoint a city manager to be administrative head of the government under the direction of the council, and may designate the city manager's powers and duties and provide for the supervising or taking over the duties of other officers as necessary. Nothing in this charter shall prevent the city council from appointing the same person to more than one (1) office as long as the positions are not incompatible.

The administrative powers of the city are vested in the city manager and other officers as the council may deem proper and necessary. The city manager is the chief administrative officer of the city. The city manager shall appoint all officers and agents whose election is not by this charter vested in the city council. The city manager may likewise dismiss any such officer or agent so appointed at the city manager's pleasure, subject to the provisions of this charter. The city manager shall manage all departments.

Section 2. City Manager Duties. The city manager from time to time shall give the council information relative to the condition of the corporation, and shall recommend for its consideration such measures as the city manager may deem expedient for the interest of the city. The city manager shall see to the enforcement of the ordinances of the city and to the preservation of its health and peace. The city manager shall, when

directed by the city council, give orders upon the city recorder for payment of any monies due from the corporation.

In the event of the temporary absence or disability of the city manager, the city manager may appoint a city manager pro tempore. In the event of an extended absence of the city manager, the city council may appoint a city manager pro tempore.

The city manager shall perform such other duties not inconsistent with this charter as the city council may by ordinance or resolution direct.

Section 3. Contracts Signed By. All contracts and bonds of the city shall be signed by the mayor and countersigned by the city manager, under the seal of the corporation, after authority given by resolution or ordinance of the city council.

Section 4. City Recorder Records Council Meetings. It is the duty of the city recorder to be present at all of the meetings of the council and to keep a full and accurate account of all the business transacted by the same, to be preserved in permanent book form.

The city recorder shall administer oaths.

Section 5. City Recorder, Financial Statements. The city recorder shall present to the council monthly financial reports, showing in detail fees, fines, privileges, tax, ad valorem tax, and all other revenues collected by the city recorder, and a separate statement of account with each department of the city government, showing the amount of receipts, expenditures, in each of said departments.

Section 10. City Recorder, Finance Director. The city recorder is the finance director of the city, and it is the city recorder's duty to receive and generate receipts for monies and deposit the same in a depository or depositories of the city as provided by ordinance, and to pay debts by issuing checks that are to be signed by the city manager and countersigned by the mayor.

Section 11. City Recorder, Custodian of Records. The recorder or the recorder's designee shall have custody of, and preserve in the recorder's office, the city seal, public records, original rolls of ordinance, ordinance books, minutes of the board, contracts, bonds, title deeds, certificates, and papers, all official indemnity or security bonds,

except the recorder's bond, which shall be in the custody of the mayor, and all other bonds, oaths and affirmations and all other records, papers and documents not required by this charter or by ordinance to be deposited elsewhere, and register them by numbers, dates and contents, and keep an accurate and modern index of such material.

All such records shall be the property of the municipality.

ARTICLE VII - CITY JUDGE, DUTIES

Section 1. City Judge and His Jurisdiction. The city judge shall be appointed by the mayor and ratified by the city council at the first regularly scheduled meeting of the city council or as soon thereafter as practicable after an election. The city judge serves at the will of the council. The city judge must have the qualifications and receive compensation as the council may provide by ordinance.

The city judge has jurisdiction in and over all cases for the violation of laws and ordinances of the city and all cases arising under the laws and ordinances of the city.

Section 2. City Judge's Powers and Duties as to Fines, Imprisonment and Forfeitures, and Costs. The city judge shall have power and authority to impose fines, costs, and forfeitures, and to punish by fine violations of city ordinances; to preserve and enforce order in the court; and to enforce the collection of all such fines, costs, and forfeitures imposed by the court. Fines may be paid in installments in a manner provided by ordinance. The city judge may remit, with or without condition, fines and costs imposed for violation of any ordinance or charter provision.

Section 3. Appeal from Judgment of City Judge; Appearance Bond. Any person dissatisfied with the judgment of the city judge may, within ten (10) entire days thereafter, Sundays exclusive, appeal to the next term of the circuit court of Anderson County, upon giving bond with good and sufficient security as approved by the city judge for appearance or the faithful prosecution of the appeal, provided, however, that in prosecutions for violations of the city ordinances the bond shall not exceed two hundred and fifty dollars (\$250) for each violation.

Section 4. Disposition of Fines. All fines imposed by the city judge for violations of city ordinances shall belong to and shall be paid into the treasury of the city.

Section 5. Collection of Fines and Cost. The city judge in all cases heard or determined by such judge for offenses against the corporate laws and ordinances shall set and collect municipal court costs in such amounts as may be prescribed by ordinance and state law. The city judge shall certify to the city recorder for collection all fines, costs, and forfeitures imposed by the court for offenses against the laws and ordinances of the city. Costs in favor of any person paid a fixed salary by the city shall belong to the city and be paid into its treasury. It is the duty of the city judge to collect and to provide receipt for all fines imposed by the court and the city judge shall render a monthly report to the city council of all costs and fines assessed and all costs and fines collected and uncollected.

It shall be unlawful for any other person or officer to collect or to provide receipt for such fines, costs, and recoveries, but the city judge may authorize the chief of police to collect and generate receipts for fines and costs.

Section 6. Docket Showing What to Be Kept by City Judge. The city judge shall keep or cause to be kept a court docket or dockets embodying complete detailed records of all cases handled by the court.

ARTICLE VIII - CITY ATTORNEY,

Section 1. City Attorney's Qualifications. The city attorney shall be an attorney at law entitled to practice in the courts of the state.

Section 2. City Attorney's Duties and Salary. The city attorney shall direct the management of litigation in which the city is a party, including the functions of prosecuting attorney in the city courts, represent the city in legal matters and proceedings in which the city is a party or is interested, or in which any of its officers are officially interested, attend any meetings of the city council as may be required, advise the city council and committees or members thereof, the city manager and the heads of all departments and divisions, as to all legal questions affecting the city's interest; and approve as to form, all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name of or made by or with the city. The city attorney shall receive a salary that is fixed by the city council.

ARTICLE IX - FISCAL AFFAIRS

Section 1. Duties of Finance Director. The city recorder serves as finance director and shall:

- (1) Exercise a general supervision over the fiscal affairs of the city, and general accounting supervision over all the city's property, assets and claims, and the disposition of such property, assets and claims;
- (2) Be the general accountant and auditor of the city;
- (3) Have custody of all records, papers, and vouchers relating to the fiscal affairs of the city, and the records in the city manager's office shall show the financial operations and conditions, property, assets, claims, and liabilities of the city, all expenditures authorized and all contracts in which the city is interested;
- (4) Require proper fiscal accounts, records, settlements and reports to be kept, made and rendered to the city manager by the several departments and officers of the city, including all deputies or employees of the city manager's department charged with the collection or expenditures of money, and shall control and audit the same; and
- (5) At least monthly, adjust the settlements of officers engaged in the collection of the revenue.

Section 2. Taxes and Assessments under Department of Finance. The assessment, levy, and collection of taxes and special assessments shall be in the charge of the department of finance, subject to the limitations elsewhere found in this charter.

Section 3. Property and Privileges Taxable. All property, real, personal and mixed subject to state, county, and city taxes, and all privileges taxable by law, shall be taxed, and taxes thereon collected by the city for municipal purposes as provided in this chapter.

Section 4. Ad Valorem Tax. The ad valorem tax upon the stocks, accounts, and equipment may be assessed and collected in like manner as state and county

merchant's ad valorem tax is assessed upon the same property. It is the duty of the county tax assessor and the comptroller of the treasury to prepare a separate assessment book or roll showing real, personal and mixed property assessable by the county tax assessor or the comptroller of the treasury lying within the limits of the city.

Section 5. Certification of Assessments. The records referenced in the preceding section (4) shall be certified to the finance director of the city upon the completion of the work of the boards of equalization, after they have been copied by the county clerk or the department of revenue.

Section 6. Tax Books. As soon as practicable in each year after the assessment books for the state and county are complete, which shall be after boards of equalization provided for by general laws shall have finished their work, it is the duty of the finance director to prepare or cause to be prepared, from the assessment books of the county and of the comptroller of the treasury, a tax book similar in form to that required by laws of the state to be made out for the county trustee, embracing, however, only such property and persons as are liable for taxes within the city.

Such tax books, when certified to be true, correct and complete by the finance director, shall be the assessment for taxes in the city for all municipal purposes; provided, that there may be an assessment by the finance director at any time, of any property subject to taxation found to have been omitted, and such assessment shall be duly noted and entered on the assessment books of the city. Instead of the assessment made by county and state officials as provided in this section, the city may, by ordinance insofar as not prohibited by general laws, provide for and regulate an assessment to be made by its own tax assessor.

Section 7. Statement of Taxable Property -- Tax Levy. It is the duty of the finance director, in each year, as soon as the assessment roll for the city is complete, to submit to the city council a certified statement of the total amount of the valuation or assessment of the taxable property for the year within the city limits, including the assessment of all railroads, telephone, telegraph, and other public utility properties, together with a certified statement of the revenue derived by the city from privilege taxes,

merchant's ad valorem taxes, street labor taxes, fines for the preceding fiscal year, and miscellaneous revenue.

Upon the presentation of such statements by the finance director, the council shall proceed by ordinance to make the proper levy to meet the expenses of the city for the current fiscal year.

Section 8. Effective Date of Levy. The city council of the city shall have full power to levy and collect taxes as of July 1 of each and every year.

Section 9. Extension of Levy on Tax Books. It is the duty of the finance director, immediately after the levy of taxes by the city council, to cause the levy to be extended upon the tax book prepared by the finance director in the same manner that extensions are made upon the tax books in the hands of the county trustee.

Section 10. Due Date of Taxes -- Tax Collector -- Distress Warrants. All taxes due the city, except privilege and merchant's ad valorem taxes and street labor taxes, shall, until otherwise provided by ordinance, be due and payable on August 1 of the year for which the taxes are assessed.

The treasurer shall be custodian of the tax books and shall be the tax collector of the city.

Distress warrants may issue for the collection of taxes and any such distress warrant shall be executed by the chief of police or any police officers of the city by a levy upon, and sale of goods and chattels under the same provisions as prescribed by law for the execution of such process of courts of general sessions.

Section 11. Tax Liens -- Errors and Irregularities in Assessment. All municipal taxes on real estate in the city, and all penalties and costs accruing thereon, are hereby declared to be a lien on such realty from and after January 1 of the year for which the same are assessed, superior to all other liens, except the liens of the United States, the state of Tennessee and the county, for taxes legally assessed thereon, with which it shall be a lien of equal dignity.

No assessment shall be invalid because the size and dimensions of any tract, lot or parcel of land shall not have been precisely named nor the amount of the valuation or

tax not correctly given, nor because the property has been assessed in the name of a person who did not own the same, nor because the same was assessed to unknown owners, nor on account of any objection or informality merely technical, but all such assessments shall be good and valid.

The city council has the power to correct any errors in the tax assessments upon a certificate filed by the assessor or assessing body.

Section 12. Delinquency Penalties. On September 1 of the year for which the taxes are assessed, or other date provided by ordinance, a penalty of two percent (2%) upon all taxes remaining unpaid shall be imposed and collected by the city and paid into the city treasury. An additional penalty of two percent (2%) shall be added for each month thereafter for seven (7) months. After seven (7) months, delinquent taxes may be relinquished for collection by the Anderson County District Attorney, and additional penalties may be assessed by the county.

Section 13. Change of Due Dates -- Semiannual Installments. The city council may, by ordinance passed by unanimous vote, change the due date and delinquent date of all taxes, and may provide for the semiannual payment of taxes and a discount for the prompt payment of such taxes.

In case a semiannual installment of taxes is made due and payable before the assessment and levy of taxes in the city for the current year is complete, the amount of the installment so collected as a tax upon any property shall be not more than fifty percent (50%) of the taxes levied on the property for the preceding year, such installment to be credited on the current year's taxes when determined and levied.

Section 14. Sale of Real Property for Delinquency. The finance director shall, under the provisions of state law for the collection of delinquent taxes, certify to the trustee of the county a list of all real estate upon which municipal taxes remain due and unpaid, or that is liable for sale for other taxes, and the same shall be sold in like manner and upon the same terms and conditions as real estate is sold for delinquent state and county taxes.

Section 15. Complaints in Chancery to Collect Special Assessments. The city council has the power, and is hereby given the authority, to file complaints in the chancery court in the name of the city for the collection of assessments and levies made for payment for improvements or service in the city, such as paving, sidewalks, curbing, guttering, sewers and other improvements, or services for which assessments may be made under the charter, or by any other acts of the general assembly, and the cost of which is made a charge on property owners abutting the improvements and a lien on abutting property. The suits commenced by such complaints shall be conducted as other suits in chancery for the enforcement of like liens and under the rules of law and practice provided for the same. The complaints shall not be objectionable because the owners of different parcels or lots of land are made parties thereto, it being the intention that all persons in the same improvement district, or liable for portions of the same assessment and levy for improving a portion of the city as provided in this section, and on whose property the assessment or levy is a lien, shall be made defendants to one (1) complaint.

Section 16. License Taxes. License taxes may be imposed by ordinance upon any and all privileges, businesses, occupations, vocations, pursuits, or callings, or any class or classes thereof, now or hereafter subject to such taxation under the laws of Tennessee, and a separate license tax may be imposed for each place of business conducted or maintained by the same person, firm, or corporation.

The treasurer shall enforce the collection of merchants' taxes and all other license taxes, and for that purpose shall have and shall exercise the powers of law vested in county clerks, and follow the procedure and methods prescribed for county clerks.

Section 17. Accounting System. The finance director, with the approval of the city manager, shall cause an efficient system of accounting for the city to be installed and maintained.

Section 18. Fiscal Forms. The finance director shall cause all forms used in connection with either the receipt or disbursement of city funds to be numbered consecutively, and shall account for all spoiled or unused forms.

Section 19. Appointment and Duties of Treasurer. The city manager shall appoint a treasurer.

It is the duty of the treasurer to collect, receive and maintain receipts for taxes and all other revenues and bonds of the city, and the proceeds of its bond issues, and to disburse the same.

The city manager may appoint the recorder as treasurer.

Section 20. Depositories of Municipal Funds. Depositories of the municipal funds shall be designated by ordinance. The city council shall require any financial institution that becomes a depository of municipal funds to secure such funds by collateral in the same manner and under the same conditions as state deposits under Tennessee Code Annotated, Title 9, Chapter 4, Parts 1 and 4, or as provided in a collateral pool created pursuant to Tennessee Code Annotated, Title 9, Chapter 4, Part 5.

Section 21. Budget Commissioner -- Fiscal Year. The city manager shall be budget commissioner. The fiscal year of the city shall begin on July 1, unless otherwise provided by ordinance.

Section 22. Budget Estimate Submitted to Council. The city manager shall, on or before May 15 of each year, submit to the city council an estimate of the expenditures and revenues of the city for the ensuing fiscal year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the city manager.

Section 23. Appropriation Ordinance -- Amendments. Upon receipt of the estimate provided for in Section 22, the city council shall prepare a tentative appropriation ordinance.

The appropriation ordinance for each fiscal year shall be finally adopted before the first day of the fiscal year.

Amendments may be made to the original appropriations ordinance at any time during a current fiscal year; provided that, except for emergency expenditures under this article's Section 28, increased appropriations may be made only after the city manager has certified in writing that sufficient unappropriated revenue will be available.

Section 24. Reversion of Appropriations to General Fund. At the end of each year, all unencumbered balances or appropriations in the treasury shall revert to the general fund and be subject to further appropriations. Such balances shall be considered unencumbered only when the city manager shall certify in writing that the purposes for which they were appropriated have been completely accomplished and that no further expenditure in connection with them is necessary.

Section 25. Approval of Claims Against City. Except as otherwise provided by this charter or by law or ordinance, the finance director shall prescribe and regulate the manner of paying creditors, officers and employees of the city. The finance director shall audit all payrolls, accounts and claims against the city and certify thereon the balance as stated by the finance director, but no payroll, account, or claim, or any part thereof, shall be audited against the city or paid unless authorized by law or ordinance and approved and certified by the city manager and the head of the department for which the indebtedness was incurred, and the amount required for payment of the same appropriated for that purpose by ordinance and in the treasury.

Whenever any claim is presented to the city finance director, the finance director shall have power to require evidence that the amount claimed is justly due, and conforms to law and ordinance, and for that purpose may summon before such finance director any officer, agent or employee of any department of the municipality, or any other person, and examine the officer, agent or employee upon oath or affirmation relative thereto.

The city manager, finance director and head of the department concerned, and their sureties, shall be liable to the municipality for all loss or damages sustained by the municipality by reason of the corrupt approval of any claim against the municipality.

Section 26. Issuance of Warrants. Subject to this article's Section 25, warrants shall be issued by the finance director.

Each warrant shall specify the particular departmental fund against which it is drawn and shall be payable out of no other fund.

Any officer or employee in the finance director's office may be designated by such finance director to draw warrants with the same effect as if signed by the finance director. Such designation shall be in writing, in duplicate, and shall be filed with the city manager. The city manager may make such designation if the finance director is absent or disabled and there is no one in the finance director's office designated to act. Any such designation may be revoked by the finance director while acting as such by filing a revocation of designation in duplicate with the city manager and the treasury division.

Section 27. Certification of Availability of Funds to Meet Contract Obligations. No contract, agreement, or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed by the city council or be authorized by any officer of the city, unless the finance director shall first certify to the council or the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure, is in the treasury or safely assured to be forthcoming and available in time to comply with, or meet such contract, agreement, obligation or expenditures. No contract, agreement or other obligation involving the expenditure of money payable from the proceeds of bonds of the city shall be entered into until the issuance and sale of such bonds has been duly authorized in accordance with the provisions of this charter in reference to city bonds.

Section 28. Emergency Expenditures. No contract liability shall be incurred without previous authority of law or ordinance, but the city council may, by ordinance, empower the proper officials to pay out money or incur contract liability for the city for the necessary preservation of the city's credit, or in other extreme emergency, under such restrictions as may be provided in the ordinance; provided, that any such liability shall mature not later than one (1) year from the date of its incurrence.

Section 29. Annual Operating Budget -- Publication -- Budgetary Comparison.

Notwithstanding any other law to the contrary, the governing body shall publish the annual operating budget and budgetary comparisons of the proposed budget with the prior year's actual figures and the current year's estimated figures, which information shall include the following:

- (1) Revenues and expenditures for the following governmental funds:
general, streets/public works, general purpose school and debt service;
- (2) Revenues for each fund shall be listed separately by local taxes, state of Tennessee, federal government and other sources;
- (3) Expenditures for each fund shall be listed separately by salaries and other costs;
- (4) Beginning and ending fund balances shall be shown for each fund;
and
- (5) The number of full-time equivalent employee positions shall be shown for each fund.

The publication shall be in a newspaper of general circulation and shall be published not less than ten (10) days prior to the meeting in which the governing body will consider final passage of the budget.

ARTICLE X - DEPARTMENTS

Section 1. Departments Established. So the work and affairs of the city may be classified and arranged conveniently and conducted efficiently, there may be established such departments and offices as the city council deems proper and necessary.

Section 2. Budgets in All Departments to Be Fixed; Duties Prescribed; Departments Created, Combined or Abolished; Temporary Departments. The city council shall fix all budgets in all departments, prescribe the duties and functions in all departments and offices, combine or abolish existing departments, and establish temporary departments for special work.

ARTICLE XI - POLICE FORCE

Section 1. Appointment. The city manager shall appoint a chief of police and such patrol officers and other members of the police force as may be provided by ordinance. The same person may serve as both the police chief and fire chief.

Section 2. Duties. It is the duty of the chief of police and the members of the police force to preserve order in the city, protect the inhabitants and property owners therein from violence, crime, and all criminal acts, prevent the commission of crime, violations of law and of city ordinances, and perform general police duties, execute and return all processes, notices, and orders of the mayor, city manager, city attorney, and city recorder, and all other processes, notices, and orders as provided in this charter or by ordinance.

Section 3. Duties in Prosecution of Violations. Members of the police force, whenever necessary for the purpose of enforcing the ordinances of the city, shall procure the issuance of warrants, serve the same, and appear in the city courts as prosecutors, relieving complaining citizens insofar as practical of the burden of instituting cases involving the violation of city ordinances; provided that this section shall not be construed to relieve any person from the duty of appearing in court and testifying in any case.

Section 4. Salaries of Chief of Police and Policemen. The chief of police department and other members of the police force shall receive salaries to be fixed by the city council.

ARTICLE XII - FIRE DEPARTMENT

Section 1. Appointment. The city manager shall appoint a chief of the fire department and such other members of the department as may be provided by ordinance. The same person may serve as both the police chief and fire chief.

Section 2. Duties. It is the duty of the chief of the fire department and the members thereof to take all proper steps for fire prevention and suppression.

Section 3. Police Power of Chief or Assistant. The chief of the fire department or any assistant of such chief in charge at any fire shall have the same police powers at

such fire as the chief of police, under such regulations as may be prescribed by ordinance.

Section 4. Fire Marshal. The city manager may appoint a fire marshal whose duty it is, subject to the chief of the fire department, to investigate the cause, origin and circumstances of fires and the loss occasioned thereby, and assist in the prevention of arson.

Section 5. Salaries of Chief of Fire and Other Members. The chief of fire department and other members of the fire force shall receive salaries to be fixed by the city council.

ARTICLE XIII - MISCELLANEOUS

Section 1. Liberal Construction to Effect Substantial Object of This Charter. In the construction of any portion of this charter whose meaning or application is in dispute, it is intended that its phraseology shall be liberally construed to effect the substantial objects of the law.

Section 2. Invalidity or Unconstitutionality of any Part Does Not Invalidate the Other Parts, When. If any section or part of a section of this charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force, or effect of any other section or part of a section of this charter, unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held unconstitutional or invalid.

Section 3. Gender. Wherever, in this charter, "man, men, him, his" or their related pronouns may appear, either as words or as parts of words, they have been used for literary purposes and are meant in their generic sense (i.e., to include all humankind-both female and male sexes).

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the city of Norris. Its approval or nonapproval shall be proclaimed by the presiding officer of the city of Norris and certified to the secretary of state.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 3.